

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

CARNITA F. ATWATER,
Plaintiff,

VS .

VATTEROTT COLLEGE, et al.,
Defendants.

No. 06-2892-JPM/dkv

ORDER OF DISMISSAL

Plaintiff Carnita F. Atwater filed a pro se complaint commencing actions pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., on December 28, 2006. The Court issued an order on January 26, 2007 directing Plaintiff, within eleven (11) days, to file an in forma pauperis affidavit or pay the civil filing fee. The time for compliance with that order expired on February 9, 2007. On February 13, 2007, Plaintiff provided the Clerk with a copy of an in forma pauperis affidavit that was stamped as "received" by the Clerk on December 28, 2006 but, for reasons unexplained, was not scanned and docketed. Plaintiff filed another in forma pauperis affidavit, and a motion for appointment of counsel, on February 13, 2007. On February 27, 2007, the Court issued an order denying leave to proceed in forma pauperis and directing Plaintiff to pay the civil filing fee within thirty (30) days. Plaintiff complied with that order on March 28, 2007. On

April 6, 2007, the Court issued an order that dismissed the claims against all defendants other than Vatterott College, denied appointment of counsel, and directed Plaintiff, within thirty (30) days, to obtain a summons from the Clerk and to effect service on the remaining defendant.

Plaintiff has not complied with that order, and the time set for compliance has expired. Accordingly, the Court DISMISSES the complaint, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED this 29th day of June, 2007.

s/JON PHIPPS McCALLA
UNITED STATES DISTRICT JUDGE